

REMARKS

The present amendment serves to clarify the meaning of claim 30 and 31 and to insert new claims 32 and 33. Claims 30 and 31 are directed to a device where the derivative substituents are selected so that the emission spectra is obtained within the desired stated range. This is not a situation where any selection of substituents for a material of formula (I) will have the desired spectra so it is not based on inherency and the Examiner's inherency rejection is therefore improper. New claims 32 and 33 have been inserted to correspond to claims 30 and 31 but to mirror amended claim 1 by limiting to formula (II).

Applicants wish to thank the Examiner for acknowledging the effective traversal of most of the rejections and objections by the prior amendment and for acknowledging patentable subject matter.

Claims 30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano et al. (JP 2002-097465). According to the Examiner:

Sugano et al. discloses naphthacene derivatives as dopants in luminescent layers of organic electroluminescent devices (see abstract). The naphthacene derivatives 150, 152, and 154 (see par 46) as well as 220, 222, and 224 (see par. 59) read upon instant formula (I). The naphthacene derivatives are contained in a host in an amount of 0.001% to 50% by weight (see par. 65). Although Sugano et al. does not show specific formulas in the tables according to formulas (II) and (III), it would have been obvious to one of ordinary skill in the art to have formed compounds according to these formulas, because Sugano et al. teaches all the required substituents (see par. 11). In addition, Sugano et al. does not show formulas 150, 152, 154, 220, 222, and 224 in an example where a device is formed using these specific compounds; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to have selected these compounds for the luminescent layer of a device, because Sugano et al. clearly teaches these compounds as luminescent materials for a luminescent layer. Sugano et al. discloses the host may comprise an amine compound (see par. 66) including alpha-NPD (see examples).

Since Sugano et al. teaches naphthacene derivatives according to formula 1, the property limitations of claims 30 and 31 are deemed to be inherently met by the Sugano et al. naphthacene derivatives. Sugano et al. teaches the EL component is used for a flat light source or a display (see par. 1) (emphasis supplied.)

Applicants respectfully disagree with the Examiner's inherency argument. The claims provide that the individual substituents must not only be selected from the described classes, but must also be selected so as to obtain the desired emission spectra. For example, the aromatic rings called for in a) might have such substituents as to adversely affect the desired spectra. Also, the selected combination of substituents may in combination alter undesirably the spectra. The desired spectra is not necessarily obtained for each and every selection.

Claims 1-6, 8-12, 15-18, and 21-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over (1) claims 3-10, 12-14, 21-32, and 36-38 of copending Application No. 10/700,894; (2) over claims 1-6 and 28-33 of copending Application No. 10/700,916; and (3) over claims 1-6 and 33-37 of copending Application No. 10/701,241.

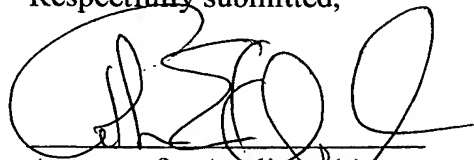
These rejections are overcome by the enclosed executed terminal disclaimer.

Claims 1, 29 and 30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 27, and 35-37 of copending Application No. 10/973,078. The Examiner asserts that, although the conflicting claims are not identical, they are not patentably distinct from each other because the "inv" formulas of '078 are within the formula set forth in the present claims. Applicants respectfully traverse this rejection.

The present invention is directed not to a *compound per se*, but to an OLED device containing an "orange-red light emitting rubrene derivative" in the light emitting layer. On the other hand, Serial No. 10/973,078 is directed to an OLED device containing in the light emitting layer containing a light emitting component and two non-electroluminescent components. A review of the '078 application indicates a number of different generic formulas have been given "Inv" identifiers. However the rubrene derivatives are clearly identified as "non-electroluminescent"; they are employed as one of the hosts in the system of the other application. It would not be obvious to employ a material useful as a non-electroluminescent host in a three way combination as an emitting component in a different system.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'A. Kluegel', written over a horizontal line.

Attorney for Applicant(s)
Registration No. 25,518

Arthur E. Kluegel/dlm
Rochester, NY 14650
Telephone: 585-477-2625
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Encl: Terminal Disclaimer